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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/774,863

02/09/2004

Tsuide Yanagihara

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

BASINGER, SHERMAN D

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/774,863	Applicant(s) YANAGIHARA, TSUIDE	
	Examiner Sherman D. Basinger	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-41 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 32-41 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/080,371.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 36 appears to be a duplicate of claim 34.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 32, 33, 35, 37, 38, 39, 40 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by lida et al

For claims 32 and 40 see paragraphs 75, 76 and 151; for claims 33, 35, 37 and 41 see paragraph 82; for claim 38 see paragraph 81; and for claim 39 see paragraph 89.

4. Claims 32-38, 40 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Rheault et al.

Rheault et al discloses a jet-propelled watercraft comprising a hull figure 1 having an operator's area,

an engine 6 supported by the hull and having a throttle valve configured to meter a flow of

air into the engine, the throttle valve being biased towards a closed position, a water jet

propulsion device 12 driven by the engine and configured to produce thrust for propelling the hull over water, a throttle lever 22 disposed in the operator's area configured to control a position of the throttle valve, an actuator (column 15, line 13) configured to define an adjustable limit for the movement of the throttle valve against the bias of the throttle valve towards the closed position, and a controller 300 configured to control the actuator so as to move the limit away from the closed position of the throttle valve in proportion to a speed of the watercraft (column 15, lines 20-30) when the throttle lever is released by an operator.

Rheault et al further discloses a watercraft speed sensor 320, the controller being configured to determine a speed of the jet-propelled watercraft based on an output from the watercraft speed sensor; an engine speed sensor (column 15, line 50) configured to detect a speed of the engine, the controller being configured to determine a speed of the jet-propelled watercraft based on an output from the engine speed sensor; a throttle position sensor 330 configured to detect a position of the throttle valve, the controller being configured to determine a speed of the jet-propelled watercraft based

on an output from the throttle position sensor; and a handlebar 16 connected to the water jet propulsion device so as to allow an operator to steer the watercraft by moving the handlebar, and a handlebar position sensor 310

configured to detect a position of the handlebar, the controller being configured to adjust the actuator based on an output of the handlebar position sensor and wherein the controller is configured to move the limit away from the closed position only if the handlebar is turned away from a position corresponding to a straight ahead direction of the watercraft.

Rheault et al further discloses a jet propelled watercraft comprising a hull (figure 1) having an operator's area,

an engine 6 supported by the hull and having a throttle valve configured to meter a flow of

air into the engine, the throttle valve being biased towards a closed position, a water jet propulsion device 12 driven by the engine and configured to produce thrust for propelling the

hull over water, a throttle lever 22 disposed in the operator's area configured to control a position of the throttle valve, and means (column 15, line 13) for limiting the movement of the throttle valve

against the bias of the throttle valve towards the closed position and for moving the limit away from the closed position of the throttle valve in proportion to a speed of the

watercraft when the throttle lever is released by an operator (column 15, lines 15-30).

Rheault et al further discloses means 320 for determining a speed of the watercraft.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rheault et al in view of Bernier et al.

Rheault et al does not disclose that the controller is configured to gradually move the limit toward the closed position after the throttle lever has been released by an operator.

Note timer 72 and solenoid 74 of Bernier et al including lines 58-63 of column 7.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide a timer similar to 72 of Bernier et al to the system of Rheault et al so that the controller of Rheault et al will be configured to gradually move the limit toward the closed position after the throttle lever has been released by an operator.

Motivation to do so is to timely reduce thrust after the turn has been made in accordance with the throttle setting the operator has chosen.

Response to Arguments

7. Applicant's arguments filed May 15, 2006 have been fully considered but they are not persuasive. Applicant argues Applicant argues that neither of Bernier et al, Rheault et al nor lida et al teach a system which changes the minimum opening of the throttle valve based on the speed of the watercraft when the lever is released by the operator. In rebuttal, it is felt that at least Rheault et al and lida et al teach this concept. In lida et al attention is directed toward paragraphs 0075, 0076 and 0151. In Rheault et al attention is directed toward column 15, lines 10-30.

8. For the above reasons the grounds of rejection are continued.

Conclusion


9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 571-272-6679. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Sherman D. Basinger
Primary Examiner
Art Unit 3617

6/1/06

6/1/06